IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2919 OF 2007

The State of Maharashtra ...Applicant
Vs.
Bandu @ Machhindra Fakira Shewale
& 4 Ors. ...Respondents

Dr. F.R. Shaikh, Addl. P.P for the Applicant
Mr. N.R. Bubna, Adv., for Respondents

CORAM: DR. S. RADHAKRISHNAN &
SMT.ROSHAN DALVI, JJ.
DATED: 19TH OCTOBER, 2007

P.C.

1. Heard learned A.P.P for the State and learned Counsel for the Respondents. We have perused the Judgment of the learned Ad-hoc Addl. Sessions Judge-3, Malegaon dated 7th April, 2007 acquitting the accused/respondents for the offence punishable under Sections 498-A, 304-B and 306 r/w 34 of Indian Penal Code. The learned Judge after appreciating the evidence has come to the conclusion that there was no allegation of any demand or illtreatment by any of the relatives of the deceased. The entire sequence and evidence tends to possibility of accidental death, since it appears that the

deceased had taken her meals and thereafter had gone near the well. The well had no parapet wall and it was slippery. It appears that the possibility of the accidental death could not be ruled out. The Sessions Court has acquitted the Respondents in the above. We do not find anything erroneous in the view taken by the Ad-hoc Sessions Judge and there is no illegality in the aforesaid judgment. Hence, we are not inclined to grant leave to appeal and admit the appeal. Therefore, the application stands dismissed, accordingly the appeal is also dismissed.

(SMT. ROSHAN DALVI, J.) **(DR. S. RADHAKRISHNAN, J.)**